

## NOTICE OF INTENT

Department of Environmental Quality  
Office of Environmental Assessment  
Environmental Planning Division

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air Quality regulations, LAC 33:III.223 and 1951-1973 (Log #AQ197).

The federal Clean Air Act Amendments of 1990 (CAAA) require implementation of a clean-fuel fleet program (CFFP) in ozone nonattainment areas classified as serious or above. Accordingly, the department submitted a State Implementation Plan (SIP) revision for a CFFP in October 1994, and the SIP was approved by the EPA on October 23, 1995. State regulations governing the CFFP are codified in LAC 33:III.1951-1973. The CFFP was to be phased-in beginning in 1998 in the Baton Rouge ozone nonattainment area. In 1998 EPA granted affected areas a one-year extension to begin the program. At this time, the department and EPA initiated discussions regarding opt-out provisions contained in the CAAA. These provisions, found in section 182(c)(4)(B), allow subject areas to submit a SIP revision to EPA which demonstrates that there exists surplus emission reduction credits (above and beyond RACT requirements) that can be used to offset those reductions from a CFFP. The department submitted the required SIP revision to EPA, which was approved by direct final rule and became effective on September 17, 1999. As a result, the department is repealing the state CFFP (LAC 33:III.1951-1973) and applicable fee requirements in LAC 33:III.223. The basis and rationale for this proposed rule are to take advantage of the CAAA opt-out provisions for a clean-fuel fleet program that has been shown to provide only marginal emission reduction benefits in the Baton Rouge ozone nonattainment area and has high administrative, operational, and equipment costs associated with long-term implementation of the program. The department is able to achieve equivalent or better emission reductions by substituting reductions obtained through the use of the existing VOC storage rule (LAC 33:II.2103) requirements.

This proposed rule meets an exception listed in R.S. 30:2019 (D) (3) and R.S.49:953 (G) (3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

A public hearing will be held on January 24, 2000, at 1:30 p.m. in the Trotter Building, Second Floor, 7290 Bluebonnet Boulevard, Baton Rouge, LA 70810. This hearing will also be for a revision to the State Implementation Plan (SIP) to incorporate this proposed rule. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Patsy Deaville at the address given below or at (225) 765-0399.

All interested persons are invited to submit written comments on the proposed regulations.

Commentors should reference this proposed regulation by AQ197. Such comments must be received no later than January 31, 2000, at 4:30 p.m., and should be sent to Patsy Deaville, Regulation Development Section, Box 82178, Baton Rouge, LA 70884-2178 or to FAX (225) 765-0486. Copies of this proposed regulation can be purchased at the above referenced address. Contact the Regulation Development Section at (225) 765-0399 for pricing information. Check or money order is required in advance for each copy of AQ197.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810; 804 Thirty-first Street, Monroe, LA 71203; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 3519 Patrick Street, Lake Charles, LA 70605; 3501 Chateau Boulevard, West Wing, Kenner, LA 70065; 100 Asma Boulevard, Suite 151, Lafayette, LA 70508; 104 Lococo Drive, Raceland, LA 70394 or on the Internet at <http://www.deq.state.la.us/planning/regs/index.htm>.

James H. Brent, Ph.D.  
Assistant Secretary

**Title 33  
ENVIRONMENTAL QUALITY  
Part III. Air**

**Chapter 2. Rules and Regulations for the Fee System of the Air Quality Control Programs**

**§223. Fee Schedule Listing**

\* \* \*

**[See Prior Text in Fee Schedule Listing Table]**

Additional Fees		
Fee Number	Fee Description	Amount
<p style="text-align: center;">* * *</p> <p style="text-align: center;"><b>[See Prior Text in Fee Numbers 2000-2620]</b></p>		
2630 *NOTE 16*	Accident Prevention Program Annual Maintenance Fee: Program 3	2500.00
2700 *NOTE 17*	Fleet Size: <del>10-25 vehicles</del> <del>26-50 vehicles</del> <del>51-100 vehicles</del> <del>101 + vehicles</del>	300.00 500.00 750.00 1,000.00
2800	An application fee for mobile sources emissions banking (auto scrappage)	50.00
<p style="text-align: center;">* * *</p> <p style="text-align: center;"><b>[See Prior Text in Fee Numbers 2810-2914]</b></p>		

**Explanatory Notes for Fee Schedule**

\* \* \*

**[See Prior Text in Note 1-16]**

Note 17. ~~The fleet size is based on the number of covered vehicles in the covered fleet.~~  
Reserved

\* \* \*

**[See Prior Text in Note 18-Processing Timelines Table]**

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054, 30:2341 and 30:2351 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 14:613 (September 1988), LR 15:735 (September 1989), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1205 (December, 1991), repromulgated LR 18:31 (January 1992), amended LR 18:706 (July 1992), LR 18:1256 (November 1992), LR 19:1373 (October 1993), LR 19:1420 (November 1993), LR 19:1564 (December 1993), LR 20:421 (April 1994), LR 20:1263 (November 1994), LR 21:22 (January 1995), LR 21:782 (August 1995), LR 21:942 (September 1995), repromulgated LR 21:1080 (October 1995), amended LR 21:1236 (November 1995), LR 23:1496 (November 1997), LR 23:1499 (November 1997), LR 23:1662 (December 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25

**Title 33**  
**ENVIRONMENTAL QUALITY**  
**Part III. Air**

**Chapter 19. Mobile Sources****Subchapter B. ~~Clean-fuel Fleet Program~~Repealed.****§1951. ~~Purpose~~Repealed.**

~~The purpose of this rule is to reduce exhaust emissions from motor vehicles through a program that requires covered fleet operators to include clean fuel vehicles (CFVs), on a percentage basis, in acquisitions of fleet vehicles. The Clean-fuel Fleet Program is mandated by the Clean Air Act Amendments of 1990, for vehicle fleets that operate in ozone nonattainment areas designated serious or above. The Baton Rouge ozone nonattainment area is designated as serious and includes the parishes of Ascension, East Baton Rouge, Iberville, Livingston, Pointe Coupee, and West Baton Rouge.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1263 (November 1994), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 25

**§1953. ~~General Provisions~~Repealed.**

~~A. Applicability. Any person who operates a fleet of 10 or more vehicles not exempted in LAC 33:III.1957 that are centrally fueled or capable of being centrally fueled in the Baton Rouge ozone nonattainment area as defined in LAC 33:III.1951 shall comply with the rules set forth in this Subchapter. This includes persons that reside outside the covered area and operate such fleets in the covered area. Three vehicle classes are covered by the program:~~

- ~~1. Light-duty Vehicles (LDVs) and Light-duty Trucks (LDTs) with a gross vehicle weight rating (GVWR) of less than or equal to 6,000 pounds;~~
- ~~2. LDTs with a GVWR greater than 6,000 pounds and less than or equal to 8,500 pounds; and~~
- ~~3. Heavy-duty Vehicles (HDVs) with a GVWR greater than 8,500 pounds and less than 26,000 pounds.~~

~~B. CFV Purchase Requirements~~

- ~~1. LDVs and LDTs—30 percent of new covered vehicle purchases/acquisitions in Model Year (MY) 1998, 50 percent in MY 1999, and 70 percent in MY 2000 and thereafter.~~
- ~~2. HDVs—50 percent of new covered vehicle purchases/acquisitions in MY 1998 and 50 percent every MY thereafter.~~
- ~~3. Purchasing requirements specified in Subsection B.1 and 2 of this Section may be met through EPA-certified conversions of conventionally fueled vehicles to CFVs or by use of purchase credits.~~

**C. Fleet Registration**

1. ~~Covered fleets shall register with the administrative authority not later than September 1, 1997.~~

2. ~~Those fleets which become covered after September 1, 1997, because of an increase in fleet size and/or central fueling capabilities shall register all vehicles in their fleet with the administrative authority within 90 days of attaining covered fleet status.~~

3. ~~The following information shall be submitted when registering: total number of vehicles in fleet, vehicle make, vehicle model, vehicle year, vehicle identification number (VIN), license plate number, vehicle odometer reading, and vehicle GVWR.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1263 (November 1994), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 25

**§1955. Definitions Repealed.**

~~The terms used in this Chapter are defined in LAC 33:III.111 of these regulations with the exception of those terms specifically defined in this Section as follows:~~

~~*Capable of Being Centrally Fueled*—a fleet, or that part of a fleet, consisting of vehicles that can be refueled 100 percent of the time based on a location that is owned, operated, or controlled by the fleet operator, or is under contract with the fleet operator. A covered fleet operator who does not have a refueling location associated with his/her business or a contract for refueling will be considered capable of being centrally fueled based on the availability of a fueling location within a 1.4 mile radius of the fleet's operational location at which that fleet or part of that fleet can be refueled 100 percent of the time.~~

~~*Centrally Fueled*—a fleet, or that part of a fleet, consisting of vehicles that are fueled 100 percent of the time at a location that is owned, operated, or controlled by the covered fleet operator or is under contract with the covered fleet operator. This includes any vehicle that is garaged at a personal residence and that is centrally fueled 100 percent of the time.~~

~~*Clean Alternative Fuel*—any fuel, including methanol, ethanol, or other alcohols (including any mixture thereof containing 85 percent or more by volume of such alcohol with gasoline or other fuel), reformulated gasoline, diesel, natural gas, liquefied petroleum gas, and hydrogen, or power source (including electricity) used in a clean-fuel vehicle that complies with the standards and requirements applicable to such vehicle when using such fuel or power source.~~

~~*Clean-fuel Vehicles (CFVs)*—a vehicle which has been certified to meet, for any model year, a set of emission standards that classifies it as a low-emission vehicle (LEV), inherently low-emission vehicle (ILEV), ultra-low-emission vehicle (ULEV), or zero-emission vehicle (ZEV).~~

~~*Contract Fueling*—an agreement under which fleet vehicles are required to be refueled at a service station or other facility with which the fleet operator has entered into a contract for such refueling purposes. Commercial fleet credit cards are considered to be a refueling agreement, since they are intended as a special fuel arrangement for fleet purchases alone.~~

~~*Converted Vehicle*—a vehicle that is retrofitted to use one of the clean alternative fuels and meets the emission standards set forth for that class of CFVs.~~

~~*Converter*—any person who manufactures or installs a conversion configuration on a~~

vehicle in order to convert it to a clean fuel vehicle which meets the emission standards for that class of CFVs. *Note:* Manufacturers of conversion kits, as well as installers, are responsible for demonstrating that vehicles converted to clean fuel vehicles have a configuration that complies with clean fuel vehicle emission standards.

*Covered Area*—the Baton Rouge ozone nonattainment area which is subject to the CAAA Clean fuel Fleet Program provisions. The parishes of Ascension, East Baton Rouge, Iberville, Livingston, Pointe Coupee, and West Baton Rouge are included.

*Covered Fleet*—ten or more motor vehicles not exempted in LAC 33:III.1957 in vehicle classes for which this rule is applicable and which are operated by a single person; operated in the covered area, even if the fleet is garaged outside the covered area; and centrally fueled or capable of being centrally fueled.

*Covered Fleet Operator*—a person who operates a covered fleet. For the purposes of this rule, all motor vehicles owned or operated, leased, or otherwise controlled by such person, by any person who supervises such person, or by any person under common supervision with such person shall be treated as owned by such person.

*Covered Fleet Vehicle*—a motor vehicle that is in a vehicle class for which standards are applicable under this rule and is part of a covered fleet that is centrally fueled or capable of being centrally fueled.

*Dealer Demonstration Vehicle*—a vehicle that is operated solely for the purpose of promoting motor vehicle sales or permitting potential purchasers to drive the vehicle for pre-purchase or pre-lease evaluation. ("Dealer" refers to any person who is engaged in the sale or distribution of new motor vehicles or new motor vehicle engines to the ultimate purchaser.)

*Dual-fuel Vehicle*—any motor vehicle or engine that is designed to operate on two fuel sources. Each fuel source is stored in a separate fuel storage tank.

*Emergency Vehicle*—any vehicle that is legally authorized by a governmental authority to exceed the speed limit to transport people and equipment to and from situations in which speed is required to save lives or property, such as a rescue vehicle, fire truck, or ambulance.

*Flexible Fuel Vehicle*—any motor vehicle which is designed to operate on multiple fuel sources. Each fuel source is stored in the same fuel storage tank.

*Fuel Provider*—a facility that provides refueling services to the general public.

*Gross Vehicle Weight Rating (GVWR)*—the weight specified by the vehicle manufacturer as the maximum allowable loaded weight (vehicle empty weight plus the weight of the driver, passengers, and payload) of a single vehicle.

*Heavy-duty Vehicle (HDV)*—a motor vehicle with a GVWR greater than 8,500 pounds, and identified as being in one of three subclasses:

1. *Light HDV (LHDV)*—a motor vehicle with a GVWR of 8,501 pounds through 19,500 pounds.

2. *Medium HDV (MHDV)*—a motor vehicle with a GVWR of 19,501 pounds through 26,000 pounds.

3. *Heavy HDV (HHDV)*—a motor vehicle with a GVWR of 26,001 pounds or greater.

*Inherently Low-emission Vehicle (ILEV)*—any LDV or LDT conforming to the applicable

~~ILEV emission standards, or any HDV with an engine conforming to the applicable ILEV standards. No dual-fuel or flexible-fuel vehicles shall be considered ILEVs unless they are certified to the applicable ILEV standard(s) on all fuel types for which they are designed to operate. ILEV emission standards may be found in 40 CFR 88.311–93.~~

~~*Law Enforcement Vehicle*—any vehicle which is primarily operated by a civilian or military police officer or sheriff, or by personnel of federal, state, or municipal law enforcement agencies and which is used for the purpose of law enforcement activities including, but not limited to, chase, apprehension, surveillance, or patrol of people engaged in or potentially engaged in unlawful activities.~~

~~*Light-duty Vehicle (LDV)/Light-duty Truck (LDT)*—a motor vehicle with a GVWR of 8,500 pounds or less.~~

~~*Loaded Vehicle Weight (LVW)*—the curb weight plus 300 pounds.~~

~~*Location*—any building, structure, facility, or installation, which is owned or operated by or under the control of a person, is located on one or more contiguous properties, and contains or could contain a fueling pump or pumps for the use of the vehicles owned or controlled by that same person.~~

~~*Low-emission Vehicle (LEV)*—a vehicle that meets the LEV certified emission standards. The LEV emission standards may be found in 40 CFR 88.104–94 and 105–94.~~

~~*Model Year (MY)*—the time frame (September 1 through August 31) during which annual fleet vehicle purchases, acquisitions, and conversions are computed. Any new vehicles purchased, acquired, or converted between September 1 and August 31 shall be counted toward the purchase requirement of the same year and shall be considered to be of the same model year as the January that falls between them.~~

~~*Motor Vehicle*—any self-propelled vehicle designed for transporting persons or property on a street or highway.~~

~~*Noncovered Fleet*—any fleet that is exempted from this rule.~~

~~*Nonroad Vehicle*—a vehicle or item of machinery that uses an internal combustion engine but is not regulated as a motor vehicle or airplane under the Clean Air Act (e.g. farm and construction equipment).~~

~~*Operate In*—a covered fleet, whether registered inside or outside the covered area, that conducts business within the boundaries of the covered area, such as, but not limited to, the delivery of a product or a service, sales personnel calling on clients, making repair service calls, etc.~~

~~*Partially Covered Fleet*—any fleet that contains 10 or more covered vehicles, but also contains exempt vehicles.~~

~~*Test Weight (TW)*—the average of the curb weight and the GVWR.~~

~~*Ultra-low-emission Vehicle (ULEV)*—a vehicle that meets the ULEV certified emission standards. The ULEV emission standards may be found in 40 CFR 88.104–94 and 105–94.~~

~~*Zero-emission Vehicle (ZEV)*—a vehicle that meets the more stringent ZEV certified emission standards. The ZEV emission standards can be found in 40 CFR 88.104–94 and 105–94.~~



AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1264 (November 1994), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 25

#### **§1957. ~~Exemptions~~Repealed.**

~~The following fleet vehicles are exempt from the requirements of this Subchapter:~~

- ~~1. any vehicle with a GVWR greater than or equal to 26,000 lbs;~~
- ~~2. emergency or law enforcement vehicles;~~
- ~~3. nonroad vehicles (farm and construction vehicles);~~
- ~~4. fleets in the covered area with fewer than 10 vehicles;~~
- ~~5. vehicles in a covered fleet not capable of being centrally fueled;~~
- ~~6. vehicles parked at a private residence that are not already centrally fueled;~~
- ~~7. vehicles leased or rented to the general public;~~
- ~~8. vehicles held for sale by motor vehicle dealers (including dealer demonstration vehicles); and~~
- ~~9. vehicles used for motor vehicles manufacturer product demonstrations and tests.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1265 (November 1994), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 25

#### **§1959. ~~Emissions Standards~~Repealed.**

~~Clean fuel vehicles must meet the applicable vehicle emission standards for their respective vehicle classes and categories. The emission standards tables are found in 40 CFR 88.104-94, 105-94, and 311-93.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1265 (November 1994), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 25

#### **§1961. ~~Credits Program~~Repealed.**

~~Operators of covered fleets that are registered in the covered area and eligible noncovered fleets upon registering with the department, may participate in the credits program which allows purchase credits to be earned, banked, traded, or sold within the Baton Rouge nonattainment area in order to satisfy the Clean fuel Fleet Program (CFFP) purchase requirements. Eligible noncovered fleets may participate in the credits program upon registering with the department.~~

##### ~~A. Requirements~~

- ~~1. A fleet must be registered with the administrative authority in accordance with the rules and procedures established by the Clean fuel Fleet Program.~~
- ~~2. Any fleet vehicle for which credit is being requested must be a clean fuel~~

vehicle (CFV).

~~3. Any dual-fuel/flexible-fuel vehicle which a fleet owner purchases, acquires, or converts to generate credits must be operated, while in the covered area, on the fuel(s) for which it was certified as a CFV.~~

~~B. Credit Generation. Operators of eligible fleets may generate credit by:~~

~~1. acquiring CFVs and/or converting vehicles to CFVs prior to model year 1998 but after EPA approval of the SIP;~~

~~2. acquiring CFVs and/or converting more vehicles to CFVs than the CFFP requires in any year;~~

~~3. acquiring CFVs and/or converting vehicles to CFVs, which meet more stringent emission standards (ULEV, ZEV) than the minimum requirement (LEV);~~

~~4. acquiring CFVs in exempted vehicle categories and/or converting exempted vehicles to CFVs; or~~

~~5. ILEVs will be treated same as LEVs.~~

~~C. Credit Usage. Operators of eligible fleets, in lieu of acquiring and/or converting vehicles to CFVs, may use banked, traded, or purchased credits as a means of meeting their CFFP purchase requirements.~~

~~D. Credit Transactions~~

~~1. Credit Banking~~

~~a. Credits which are not needed to meet a fleet's CFFP purchase requirements may be banked.~~

~~b. Banked credits may be held for use, traded, and/or sold at a later time with no depreciation of credits.~~

~~c. Banked credits may be used to meet compliance with the purchase requirements by redemption to the administrative authority at a later date.~~

~~d. Eligible fleet operators who voluntarily purchase CFVs after date of EPA approval but prior to September 1, 1998, shall be eligible to earn and bank credits provided that all other requirements applicable to such purchases and vehicle use are met.~~

~~e. Credits for LDVs and HDVs (including heavy-duty subclasses) are required to be banked, identified, and tracked separately.~~

~~2. Trading, Purchasing, and Selling of Credits~~

~~a. The trading, purchasing, and selling of credits is market driven, with no monetary value set by the administrative authority\*.~~

~~b. Credits may be traded, purchased, or sold only among covered and participating nonecovered fleets in the Baton Rouge nonattainment area.~~

~~c. Traded or purchased credits may be used to demonstrate compliance in the year of the trade/purchase or any subsequent year.~~

~~d. Credit transactions are prohibited between the LDV and HDV weight classes.~~

~~e. Credit trading is allowed between all LDV and LDT subclasses.~~

f. ~~Credit trading among the HDV subclasses is allowed only in a downward direction and without proration. That is, credits generated by the purchase of heavy HDVs can be used to demonstrate compliance with medium HDV or light HDV purchase requirements on a one for one basis. Trading in an upward direction, i.e., using credits generated by the purchase of light HDVs to satisfy medium HDV or heavy HDV requirements, is not permitted.~~

g. ~~A covered fleet operator desiring to demonstrate full or partial compliance with covered fleet purchase requirements by the redemption of credits shall surrender sufficient credits as established by the CFFP. Credit tables can be found in Subsection E of this Section.~~

E. ~~Calculation of Credits. Credits are appropriately weighted to reflect the level of emission reduction achieved by the respective class when compared to conventional vehicle standards for equivalent weight classes. Credit calculations and tracking will follow round-off procedures to two decimal places (hundredth's place). The following tables demonstrate "credit generation" and "credits in lieu of" values for LDVs and HDVs.~~

<b>Table 3.1 Purchasing More Vehicles than Required to Meet the Mandate</b>						
<b>NMOG+ NO<sub>x</sub></b>	<b><del>LDV</del> ≤6000 lbs GVWR  ≤3750 lbs LVW</b>	<b><del>LDT</del> ≤6000 lbs GVWR  ≤3750 lbs LVW</b>	<b><del>LDT</del> ≤6000 lbs GVWR  ≥3750 lbs LVW ≤5750 lbs LVW</b>	<b><del>LDT</del> ≥6000 lbs GVWR  ≤3750 lbs TW</b>	<b><del>LDT</del> ≥6000 lbs GVWR  ≥3750 lbs TW ≤5750 lbs TW</b>	<b><del>LDT</del> ≥6000 lbs GVWR  ≥5750 lbs TW</b>
<b><del>LEV</del></b>	-1.00	-1.00	-1.39	-.33	-.43	-.52
<b><del>ULEV</del></b>	-1.09	-1.09	-1.52	-1.00	-1.39	-2.06
<b><del>ZEV</del></b>	-1.73	-1.73	-2.72	-1.73	-2.72	-3.97

<b>Table 3.2 Purchasing a ULEV or ZEV to Meet the Mandate</b>						
<b>NMOG+ NO<sub>x</sub></b>	<b><del>LDV</del> ≤6000 lbs GVWR  ≤3750 lbs LVW</b>	<b><del>LDT</del> ≤6000 lbs GVWR  ≤3750 lbs LVW</b>	<b><del>LDT</del> ≤6000 lbs GVWR  ≥3750 lbs LVW ≤5750 lbs LVW</b>	<b><del>LDT</del> ≥6000 lbs GVWR  ≤3750 lbs TW</b>	<b><del>LDT</del> ≥6000 lbs GVWR  ≥3750 lbs TW ≤5750 lbs TW</b>	<b><del>LDT</del> ≥6000 lbs GVWR  ≥5750 lbs TW</b>
<b><del>LEV</del></b>	-0.00	-0.00	-0.00	-0.00	-0.00	-0.00
<b><del>ULEV</del></b>	-.09	-.09	-.13	-.67	-.96	-1.54
<b><del>ZEV</del></b>	-.73	-.73	-1.34	-1.40	-2.29	-3.45

<b>Table 3.3 Credit Needed in Lieu of Purchasing a LEV to Meet the Mandate</b>						
<b>NMOG+ NO<sub>x</sub></b>	<b><del>LDV</del> ≤6000 lbs GVWR  ≤3750 lbs LVW</b>	<b><del>LDT</del> ≤6000 lbs GVWR  ≤3750 lbs LVW</b>	<b><del>LDT</del> ≤6000 lbs GVWR  ≥3750 lbs LVW ≤5750 lbs LVW</b>	<b><del>LDT</del> ≥6000 lbs GVWR  ≤3750 lbs TW</b>	<b><del>LDT</del> ≥6000 lbs GVWR  ≥3750 lbs TW ≤5750 lbs TW</b>	<b><del>LDT</del> ≥6000 lbs GVWR  ≥5750 lbs TW</b>
<b><del>LEV</del></b>	-1.00	-1.00	-1.39	-.33	-.43	-.52

<b>Table 3.4 Purchasing More Vehicles than Required to Meet the Mandate</b>			
	<b><del>Light HDV</del></b>	<b><del>Medium HDV</del></b>	<b><del>Heavy HDV</del></b>
<b><del>LEV</del></b>	—1.00	—1.00	—1.00
<b><del>ULEV</del></b>	—1.87	—1.87	—1.87
<b><del>ZEV</del></b>	—3.53	—3.53	—3.53

<b>Table 3.5</b> <b>Purchasing a ULEV or a ZEV to Meet the Mandate</b>		
	<b><del>Light HDV</del></b>	<b><del>Medium HDV</del></b>
<b><del>LEV</del></b>	<del>—.00</del>	<del>—.00</del>
<b><del>ULEV</del></b>	<del>—.87</del>	<del>—.87</del>
<b><del>ZEV</del></b>	<del>—2.53</del>	<del>—2.53</del>

<b>Table 3.6</b> <b>Credit Needed in Lieu of Purchasing a LEV to Meet the Mandate</b>		
	<b><del>Light HDV</del></b>	<b><del>Medium HDV</del></b>
<b><del>LEV0</del></b>	<del>—1.00</del>	<del>—1.00</del>

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1265 (November 1994), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 25

**§1963. ~~Emission Reduction Credits Program Reserved~~Repealed.**

**§1965. ~~Recordkeeping Requirements~~Repealed.**

~~A. Accurate records must be maintained to verify compliance with the Clean fuel Fleet Program. All records shall be maintained for the current year plus the previous two years for the purposes of reporting and compliance auditing.~~

~~B. An annual report for LDVs and HDVs shall be forwarded to the administrative authority by October 1 to cover the previous model year's activities. Transactions will be recorded in the balance sheet by item number. An item sheet will accompany the balance sheet for each item entered.~~

~~C. Each balance sheet shall contain the following:~~

- ~~1. total number of new vehicles purchased/converted;~~
- ~~2. CFVs required;~~
- ~~3. each transaction by item number and date;~~
- ~~4. acquired credits and/or sold credits;~~
- ~~5. beginning and ending credit balances; and~~
- ~~6. company name, address, primary contact person, telephone number, date, and fleet operator signature.~~

~~D. Each item sheet shall contain the following:~~

- ~~1. transaction item number and date;~~

- ~~2. company name, address, primary contact person, telephone number;~~
- ~~3. company name, address, primary contact person, telephone number, and item number of who purchased/sold the credits;~~
- ~~4. vehicle identification number (VIN) of the purchased/converted vehicle(s);~~
- ~~5. vehicle type of the purchased/converted vehicle(s);~~
- ~~6. fuel type of the purchased/converted vehicle(s);~~
- ~~7. certification number of the purchased/converted vehicle(s);~~
- ~~8. license plate number of the purchased/converted vehicle(s);~~
- ~~9. LEV equivalents; and~~
- ~~10. any other information for clarification or verification.~~

~~E. The following records shall be maintained for compliance audit purposes:~~

- ~~1. annual report;~~
- ~~2. total number of vehicles (covered and exempt);~~
- ~~3. VIN, license plate number, type (LDV/HDV), and fuel type of each vehicle;~~

and

- ~~4. any other information that may be deemed necessary by the administrative~~

authority.

~~F. All records shall be maintained at a location within the covered area for those who reside inside the covered area or for those operators who reside outside the covered area at a site agreed to by the fleet operator and the administrative authority. The records shall be available for inspection by department personnel during reasonable business hours (8 a.m. to 5 p.m., Monday-Friday).~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1267 (November 1994), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 25

#### **~~§1967. Conversions to Clean-fuel Vehicles—Reserved~~Repealed.**

#### **~~§1969. Fuel Provider Requirements~~Repealed.**

~~Fuel providers are required by the Clean Air Act Section 246(e) "to make clean alternative fuels available to covered fleet operators at locations at which covered fleet vehicles are centrally fueled."~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1267 (November 1994), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 25

#### **~~§1971. Enforcement~~Repealed.**

~~A. No person shall violate the provisions of this Subchapter.~~

~~B. No person shall knowingly:~~

~~1. make any false material statement, representation, or certification in, or omit material information from or knowingly alter, conceal, or fail to file or maintain any document required pursuant to this Subchapter;~~

~~2. fail to report data as required under this Subchapter;~~

~~3. counterfeit or commerce in counterfeit purchase credit documents;~~

~~4. fail to meet purchase requirements;~~

~~5. fail to purchase the appropriate number of vehicles certified to clean fuel vehicle emission standards for the present model year; or~~

~~6. use a fuel in a covered area other than that for which the vehicle was certified as a clean fuel vehicle.~~

~~C. Failure to comply with the provisions of this Subchapter shall constitute a violation of the Act and shall be subject to any enforcement action including penalties pursuant to R.S. 30:2025.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1267 (November 1994), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 25

### **§1973. FeesRepealed.**

~~Fees are defined in LAC 33:III.223.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1268 (November 1994), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 25





FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES LOG #: AQ 197

Person  
Preparing  
Statement: Teri Lanoue Dept.: Environmental Quality  
  
Phone: (225) 765-0178 Office: Environmental Assessment  
  
Return  
Address: 5222 Summa Court Rule:  
Baton Rouge, LA 70809 Title: **Repeal of the State Clean Fuel Fleet Program**  
Date Rule  
Takes Effect: Upon Promulgation

SUMMARY  
(Use complete sentences)

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
- The State Clean Fuel Fleet Program has not been implemented nor have any fees been collected; therefore, as a result of the repeal of this program, there will be no implementation costs or savings to state or local governmental units.**
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
- The repeal of the State Clean Fuel Fleet Program will have no effect on revenue collections of state or local governmental units.**
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
- The repeal of the State Clean Fuel Fleet Program will have no direct economic effects on persons or non-governmental groups.**
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
- The repeal of the State Clean Fuel Fleet Program will have no effect on competition and employment.**

\_\_\_\_\_  
Signature of Agency Head or Designee LEGISLATIVE FISCAL OFFICER OR  
DESIGNEE

James H. Brent, Ph.D., Asst. Secretary  
Typed Name and Title of Agency Head or Designee

\_\_\_\_\_  
Date of Signature Date of Signature

FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES

The following information is requested in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberation on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

**The Federal Clean Air Act Amendments of 1990 (CAAA) require implementation of a Clean Fuel Fleet Program (CFFP) in ozone nonattainment areas classified as serious or above. Accordingly, LDEQ submitted a SIP revision for a CFFP in October, 1994, and the SIP was reviewed and approved by EPA on October 23, 1995. State regulations governing the CFFP are codified in LAC 33:III.1951-1973.**

**The CFFP was to be phased in beginning in 1998 in the Baton Rouge ozone nonattainment area. In 1998, EPA granted affected areas a one-year extension to begin the program. It was at this time that LDEQ and EPA initiated discussions regarding opt-out provisions contained in the CAAA. These provisions, found in Section 182(c)(4)(B), allow subject areas to submit a SIP revision to EPA which demonstrates that there exists surplus emission reduction credits (above and beyond RACT requirements) which can be used to offset those reductions from a CFFP. To use this opt-out provision, LDEQ submitted the required SIP revision to EPA, which was approved by direct final rule and became effective on September 17, 1999. The final step in this process, and the subject of this rulemaking, is the Repeal of the State Clean Fuel Fleet Program (LAC 33:III.Subchapter B) and applicable fee requirements as defined in LAC 33:III.223.**

- B. Summarize the circumstances which require this action. If the Action is required by federal regulation, attach a copy of the applicable regulation.

**The repeal of the State Clean Fuel Fleet Program is a discretionary action on the part of the State and is not required by any federal regulation.**

- C. Compliance with Act II of the 1986 First Extraordinary Session

- (1) Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

**No. The repeal of this rule will not result in any increase in the expenditure of funds.**

- 2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

(a) \_\_\_\_ Yes. If yes, attach documentation.

(b) No. If no, provide justification as to why this rule change should be published at this time.

**This section is not applicable.**

FISCAL AND ECONOMIC IMPACT STATEMENT  
WORKSHEET

I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

COSTS	FY 99-00	FY 00-01	FY 01-02
PERSONAL SERVICES	0	0	0
OPERATING EXPENSES	0	0	0
PROFESSIONAL SERVICES	0	0	0
OTHER CHARGES	0	0	0
EQUIPMENT	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>
MAJOR REPAIR & CONSTR.	0	0	0
POSITIONS(#)	0	0	0

2. Provide a narrative explanation of the costs or savings shown in "A.1.", including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

**There are no anticipated costs or savings resulting from this rulemaking.**

3. Sources of funding for implementing the proposed rule or rule change.

SOURCE	FY 99-00	FY 00-01	FY 01-02
STATE GENERAL FUND	0	0	0
AGENCY SELF-GENERATED	0	0	0
DEDICATED	0	0	0
FEDERAL FUNDS	0	0	0
OTHER (Specify)	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

**This section is not applicable.**

B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

**There are no anticipated impacts on local governmental units.**

2. Indicate the sources of funding of the local governmental unit which will be affected by these costs or savings.

**Funding sources are not required for this proposed action.**

FISCAL AND ECONOMIC IMPACT STATEMENT  
WORKSHEET

II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS

A. What increase (decrease) in revenues can be anticipated from the proposed action?

**The repeal of the State Clean Fuel Fleet Program will have no effect on revenue collections of state and local governmental units.**

REVENUE INCREASE/DECREASE	FY 99-00	FY 00-01	FY 01-02
STATE GENERAL FUND	0	0	0
AGENCY SELF-GENERATED	0	0	0
RESTRICTED FUNDS*	0	0	0
FEDERAL FUNDS	0	0	0
LOCAL FUNDS	0	0	0
TOTAL	0	0	0

\*Specify the particular fund being impacted.

- B. Provide a narrative explanation of each increase or decrease in revenues shown in "A." Describe all data, assumptions, and methods used in calculating these increases or decreases.

**This section is not applicable.**

**III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS**

- A. What persons or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

**The repeal of the State Clean Fuel Fleet Program will have no direct economic effects on persons or non-governmental groups.**

- B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

**The repeal of the State Clean Fuel Fleet Program will have no impact on receipts and/or income of persons or non-governmental groups.**

**IV. EFFECTS ON COMPETITION AND EMPLOYMENT**

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

**The repeal of the State Clean Fuel Fleet Program will have no impact on competition and employment in the public and private sectors.**